

THE UNITED STATES DISTRICT COURT FOR THE  
WESTERN DISTRICT OF MISSOURI  
WESTERN DIVISION

MICHAEL AND SHELLIE GILMOR,  
et al.,

Plaintiffs,

Case No. 4:10-cv-00189-ODS

vs.

PREFERRED CREDIT CORPORATION,  
et al.,

Defendants.

**NOTICE OF CORRECTION**

1. Yesterday, Plaintiffs filed their *Motion to Extend Deadlines for Filing Suggestions in Opposition and Replies for All Pending Motions to Dismiss*. (Doc. No. 77) (the “Motion”).

2. Paragraph 10 of the Motion stated:

Plaintiffs’ counsel contacted counsel for the Moving Defendants today about the proposed extension. Counsel for Moving Defendants Credit Based Asset Servicing & Securitization, LLC, IMH Assets Corp., IMPAC CMB Trust Series 2003-5, LaSalle National Bank and Litton Loan Serving, LP advises that these Moving Defendants do not oppose this motion, but submit that the deadline for filing Replies to Plaintiffs’ Suggestions should likewise be extended by 14 days. Counsel for Defendant Empire Home Loan Owner Trust 1998-1 and its Co-Trustees, reported that they were unable to reach their client, and thus, could not say whether they would object or not. Plaintiffs’ counsel did not hear back from the Preferred Trust Defendants or CSFB, although counsel for CSFB stated in an e-mail to Plaintiffs’ counsel this morning that CSFB “would not object to a November 16 [sic] date as long as all reply briefs are filed at the same time.

(Doc. 77, ¶10)

3. This statement is partially incorrect. The undersigned, via e-mail, contacted counsel for (a) CSFB; (b) Credit Based Asset Servicing & Securitization, LLC, IMH Assets

Corp., IMPAC CMB Trust Series 2003-5, LaSalle National Bank and Litton Loan Serving, LP; (c) Empire Home Loan Owner Trust 1998-1 and its co-trustees (via the Polsinelli Shughart and Dorsey Whitney law firms, who responded for the “US Bank Defendants”; (d) the Preferred Trust Defendants; and (e) certain other Defendants, which had filed one or more of the motions that the Court referenced in paragraph 4 of its October 1 Order (Doc. No. 76). In sending his e-mail, however, the undersigned counsel inadvertently omitted from the “Send to” list certain counsel for some of the remaining defendants that had joined in the Motion to Dismiss for Lack of Standing (Doc. 75, Ex. 7) and/or which had filed a Motion to Dismiss based on federal preemption (Doc. 75, Ex. 17), and/or or some of the other defense counsel appearing in this case.

4. Plaintiffs’ counsel did not realize this error until this morning when they were contacted by counsel for Sovereign Bank, Mr. Roy Arnold, who indicated that counsel for Sovereign Bank had not been contacted by Plaintiffs’ counsel regarding the requested extension. Mr. Arnold is correct and the undersigned apologizes to the court and counsel for the error.

5. Plaintiffs’ counsel did not represent in the Motion that counsel for Sovereign Bank (or for any other defendant that it inadvertently failed to contact) consented or objected to the requested extension. Plaintiffs’ counsel instead failed to send the Motion to certain counsel before filing. Even so, Plaintiffs’ counsel believes that it is their obligation to correct the error.

6. Accordingly, Plaintiffs’ Counsel wanted to correct and notify the Court of the error so that the Court can take whatever action it believes appropriate including reconsideration of the Order granting the requested extension (Doc. No. 78).

Dated: October 22, 2010

Respectfully Submitted,

WALTERS BENDER STROHBEHN  
& VAUGHAN, P.C.

By /s/ Kip D. Richards  
R. Frederick Walters-Mo. Bar 25069  
Kip D. Richards - Mo. Bar 39743  
2500 City Center Square  
1100 Main Street  
Kansas City, Missouri 64105  
(816) 421-6620  
(816) 421-4747 (Facsimile)

ATTORNEYS FOR PLAINTIFFS  
AND CLASS COUNSEL

**CERTIFICATE OF SERVICE**

The undersigned hereby certifies that this document was filed electronically with the Clerk of the United States District Court for the Western District of Missouri, Western Division, this 22<sup>nd</sup> day of October 2010, with notice of case activity to be generated and sent electronically to all designated persons.

/s/ Kip D. Richards